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Ad Hoc Working Group of Legal and Technical
Experts for the Elaboration of a Global
Framework Convention for the Protection
of the Ozone Layer

SECOND REVISED DRAFT PROTOCOL CONCERNING MEASURES TO CONTROL,
LIMIT AND REDUCE THE EMISSIONS OF CHLOROFLUOROCARBONS (CFCs)
FOR THE PROTECTION OF THE OZONE LAYER

The Contracting Parties to this Protocol,

Being Contracting Parties to the Convention for the Protection of the
Ozone Layer,

Desirous of implementing article 2, paragraph 2, and article 8 of the
Convention,

Recognizing that certain fully halogenated chlorofluorocarbons and other
substances, both natural and man-made, might have modifying effects on the
ozone layer,

Recognizing that such modifying effects might result in adverse effects
on man and the environment,

Considering that certain fully halogenated chlorofluorocarbons are among
those substances which may be relatively economically controlled,

Recognizing that the burden on society of control measures is dependent
on the time available for adjustment,

Considering that, whilst awaiting stronger scientific evidence, it is
prudent to take precautionary measures to avoid unnecessary emissions of such
fully halogenated chlorofluorocarbons and to investigate the means of avoiding
other such emissions,

Bearing in mind that what is necessary might differ from country to country,

Determined to co-operate in taking such precautionary measures to protect human health and the environment from adverse effects resulting from the emissions of fully halogenated chlorofluorocarbons,

Have agreed as follows:

Article I Definitions

For the purposes of this Protocol:

1. "The Convention" means the Convention for the Protection of the Ozone Layer;

2. "The Parties" means the Contracting Parties to the Protocol;

3. "The Conference" means the Conference of the Contracting Parties to the Convention;

4. "The Secretariat" means the Secretariat of the Convention;

[5. "Aerosol propellant" means any liquified or compressed gas that is used in whole or in part to expel from its self-pressurized container or from a separate container a liquid or solid material [different from the aerosol propellant itself].]

[6. "Essential uses" means [those uses for which there are no technically feasible alternatives or which provide substantial health or environmental benefit or other public benefit that would not be obtainable without this use.]

[the use of CFCs in aerosol [products] [propellants] where there are no other acceptable alternatives.]]

Article II

Alternative 1

[1. [Within ____ years following entry into force for the Party of this Protocol each] [Each] Party shall take all appropriate measures to phase out the use of fully halogenated chlorofluoroalkanes (CFCs) [in aerosol products] [as aerosol propellants] [including the export of such products] except for:

(a) Essential uses;

(b) Non-essential uses which it considers insignificant in terms of total quantities released into the atmosphere].

or

1. [Within ____ years following entry into force for the Party of this Protocol, each] [Each] Party shall take all appropriate measures to reduce the use of chlorofluoroalkanes in aerosol products [including the export of such products], by either:

(a) Eliminating the use of CFCs [as aerosol propellants] [in aerosol products] except [for essential uses] [where there are no other acceptable alternatives (herein called essential uses)]; or

(b) Eliminating the use of CFCs in all non-essential aerosol products that it considers significant in terms of the quantities of CFCs released in the atmosphere.]

2. To this end each Party to this protocol shall [set up a time schedule and shall], every two years following its entry into force for that Party, provide through the Secretariat to a meeting of the Parties for discussion:

(a) An updated list of the uses it considers:

(i) essential; or

[(ii) non-essential but significant in terms of the total quantities of CFCs released into the atmosphere;

or

[indicating the types of CFCs and total amounts of CFCs so used:] and

[(b) A progress report on the implementation of the time schedule set up].

[(b) The types and total amounts of CFCs used annually [as aerosol propellants] [in aerosol products].]

3. Each Party shall ensure that measures taken pursuant to this article result in at least a ____ per cent reduction in its use of CFCs [as aerosol propellants] [in aerosol products] from its ____ level.]

Alternative 2

1. Each Party shall take all appropriate measures to progressively reduce the use of chlorofluorocarbons 11 and 12 in aerosol products.

/...

2. Each Party shall ensure that as a result of measures taken pursuant to paragraph 1 of this article, within () years following the entry into force for it of this Protocol, industry situated in its territories achieves a reduction of at least 30 per cent compared with the maximum levels in such use of these chlorofluorocarbons in any year prior to the entry into force of this Protocol.

3. Pursuant to paragraph 1 the Parties shall every three years decide on such measures as they deem necessary.

Alternative 3

1. Within two years following entry into force of this Protocol, each Party shall take all appropriate measures to reduce the use of [chlorofluorocarbons] either by:

(a) Eliminating the use of chlorofluorocarbons [CFC 11 and CFC 12] in aerosol products except for essential uses, or

(b) Eliminating the use of chlorofluorocarbons [CFC 11 and CFC 12] in designated non-essential aerosol products that it considers significant in terms of [CFCs] released to the environment, or

(c) Ensuring that the use of chlorofluorocarbons [CFC 11 and CFC 12] in aerosol products is reduced by at least 30 per cent from their previous maximum use in that country.

(d) Reducing the use of [CFCs] with the exception of those minor quantities in aerosol products which, for safety reasons in fabricating and transportation cannot be substituted for inflammable substances.

2. To this end each Party shall, every two years following the entry into force of this Protocol for that Party, provide through the Secretariat to a meeting of the Parties for discussion with, as the case may be:

(a) Lists of uses it considers essential or non-essential uses of [CFC 11 and CFC 12].

(b) Total amounts of [CFCs] [CFC 11 and CFC 12] used.

(c) Types and total amounts of [CFCs] used annually as aerosol propellants.

(d) A progress report on the implementation of the control strategy used.

3. In applying this article, Parties should not distinguish between products destined for domestic use and for export.

Article II bis

Parties shall take all appropriate measures to ensure that industry situated in their territories does not increase its production capacity of chlorofluorocarbons 11 and 12.

Article III

1. [In order to assist in the general reduction of the emissions of CFCs, the Parties shall:]

[In order to prevent the reductions in total emissions of CFCs achieved by implementing measures pursuant to article II being [rapidly] offset by increased emissions from other uses of CFCs the Parties shall:]

Promote the development and application of the best practicable technologies to reduce emissions from non-aerosol uses;

2. [Parties shall inform the Secretariat of experience in implementing measures to limit and reduce emissions of CFCs and of any technology development pursuant to this article.] [taking into account the confidentiality provision of article IV of the Convention.]

Article IV

The Parties shall endeavour to assist each other in the implementation of measures pursuant to article II. They shall also co-operate in providing assistance to developing countries in order to enable them to sign this Protocol. Consistent with article IV of the Convention.

Article V

For the purpose of the implementation of this Protocol, meetings of the Parties may be held in conjunction with the regular meetings of the Conference.

Article VI

The provisions of the Convention with respect to any protocol shall apply with respect to this Protocol.

The rules of procedure and the financial rules adopted pursuant to article () of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol decide otherwise.

This Protocol shall enter into force when [five] Contracting Parties have ratified, accepted, approved or acceded to this Protocol.
